

AMENDMENTS TO THE CLAIMS

1. (cancelled)
2. (Currently Amended) ~~The nucleic acid according to claim 1,~~ A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:1 or a nucleic acid which hybridizes with the nucleic acid having the nucleotide sequence shown in SEQ ID NO: 1 ~~in SEQUENCE LISTING~~ under stringent conditions and which has a promoter activity in phloem tissue of a plant.
3. (Currently Amended) ~~The nucleic acid according to claim 1, of which nucleotide sequence has~~ A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:1 or a nucleic acid having a homology of not less than 70% with the nucleotide sequence shown in SEQ ID NO: 1 ~~in SEQUENCE LISTING~~ which has a promoter activity in phloem tissue of a plant.
4. (cancelled)
5. (cancelled)
6. (Currently Amended) ~~The nucleic acid according to claim 5,~~ A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:2 or a nucleic acid which hybridizes with the nucleic acid having the

nucleotide sequence shown in SEQ ID NO: 2 ~~in SEQUENCE LISTING~~ under stringent conditions and which has a promoter activity in phloem tissue of a plant.

7. (Currently Amended) ~~The nucleic acid according to claim 5, of which nucleotide sequence has~~ A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:2 or a nucleic acid having a homology of not less than 70% with the nucleotide sequence shown in SEQ ID NO: 2 ~~in SEQUENCE LISTING~~ which has a promoter activity in phloem tissue of a plant.

8. (cancelled)

9. (Currently Amended) A recombinant vector comprising the nucleic acid according to any one of claims ± 2, 3, 6, and 7 ~~to 8~~.

10. (Original) The recombinant vector according to claim 9, further comprising a desired structural gene which is functionally ligated to a site downstream of said nucleic acid and which is controlled by said nucleic acid as a promoter.

11. (Currently Amended) A transformed plant transformed with said nucleic acid according to any one of claims ± 2, 3, 6, and 7 ~~to 8~~ and a desired structural gene which is functionally ligated to a

site downstream of said nucleic acid and which is controlled by said nucleic acid as a promoter, which transformed plant expresses said structural gene in its phloem tissue.

12. (Original) The transformed plant according to claim 11, which belongs to the family Gramineae.

13. (Original) The transformed plant according to claim 12, which is rice or maize.

14. (New) A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:1.

15. (New) A nucleic acid having the nucleic acid sequence shown in SEQ ID NO:2.